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REMARKS

This is response to the first Office action (Paper No. 20060818) mailed 23 August 2006.

Claims 1 through 18 were pending in this application.

Claims 1, 3 and 6 have been amended by this Amendment. Claim 5 has been canceled without disclaiming its subject matter. Claims 8-18 were withdrawn from the examiner's consideration.

No new matter has been added.

Claims 1-3 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gottlieb (EP 0230 052 A2) as evidenced by Persselin (Clin Orthop Relat Res, 1991).

Claims 1-3 and 7 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-10 of U.S. Patent No. 4,699,898.

Claims 1-3 and 7 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-4, 8 and 13 of U.S. Patent No. 4,710,380.

Claim 4-6 were objected to as being dependent upon a rejected base.


Claim 1 has been amended to incorporate the feature of "having Metabolic syndrome", and claim 5 has been cancelled without disclaiming its subject matter. Since claim 1 includes the allowable subject matter recorded in the Office action, claim 1 and its dependent claims 1-4, 6 and 7 are patentable.

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No fee is incurred by this Amendment.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,

  
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